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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

EOLAS TECHNOLOGIES  
INCORPORATED,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No: 3:17-cv-03022-JST-JSC

**AMAZON'S MOTION TO ENLARGE  
TIME FOR FILING MOTION TO  
COMPEL POST-JULY 22, 2014  
DOCUMENTS AND SHORTEN TIME  
FOR ANY OPPOSITION TO THIS  
MOTION PURSUANT TO CIVIL L.R. 6-3**

1 Pursuant to Civil Local Rule 6-3, Amazon.com, Inc. (“Amazon”) moves to enlarge the  
2 time to file the motion to compel production of post-July 22 documents from the current deadline  
3 of September 20, 2018 by two business days, until September 24, 2018, and to modify associated  
4 briefing dates. Amazon does not seek to change the hearing and argument date. Counsel for  
5 Google, Inc. (“Google”) does not oppose this motion. Counsel for Eolas and McKool Smith  
6 were consulted, and informed Amazon that it takes no position on Amazon’s motion.

7 In light of the current September 20 deadline, Amazon also moves to shorten the time for  
8 Eolas and McKool Smith to file any opposition to this motion such that any opposition is due on  
9 September 18, 2018 by 12:00 p.m. In support of its motions to enlarge time on its motion to  
10 compel and to shorten time on opposition to this motion to enlarge, Amazon submits the Decla-  
11 ration of Richard G. Frenkel (“Frenkel Declaration”) and two proposed orders. Per the require-  
12 ments of Civil Local Rule 6-3, the accompanying Frenkel Declaration sets forth with particulari-  
13 ty the reasons for the requested enlargement of time, as well as the need to shorten time for any  
14 opposition, and is incorporated herein by reference.

15 The Court’s September 7, 2018 Order (ECF No. 453) set a briefing and hearing schedule  
16 for Amazon and Google’s motion to compel production of post-July 22 documents. Amazon and  
17 Google’s opening brief is due September 20, 2018, the day after Yom Kippur. As the Court may  
18 know, Yom Kippur is considered the holiest day of the year in Judaism. Observance includes a  
19 full day of fasting and intensive prayer in a synagogue. Frenkel Declaration, ¶ 6. Members of  
20 Amazon’s team involved in these proceedings, including Amazon’s in-house counsel responsible  
21 for this action, will be observing Yom Kippur, and were out of the office for Rosh Hashanah,  
22 which was September 10-11, also during the time period of Amazon’s briefing. *Id.*, ¶ 4. This is  
23 an important brief regarding an issue that is very important to Amazon that may involve improp-  
24 er disclosure and use of Amazon’s confidential information, provided pursuant to a Protective  
25 Order meant to safeguard against any such improper use. In order to allow all of Amazon’s  
26 briefing team, especially including Amazon’s in-house counsel, to be able to fully participate in  
27 preparing the brief, Amazon requests a modest adjustment to the briefing schedule to allow suf-  
28 ficient time after Yom Kippur before the brief is due.

Amazon is mindful of any additional delay to resolving these issues, which is why the dates it proposes do not change the hearing and argument date. Amazon's proposed dates also give Eolas and McKool Smith the same amount of time to prepare any opposition as the Court's September 7 Order did. While Amazon had hoped to submit a proposed modified briefing schedule earlier, Amazon was unable to get the position of Eolas and McKool Smith until just hours before this motion was filed. Eolas and McKool Smith take no position on Amazon's motion. Frenkel Declaration, ¶ 5.

For the foregoing reasons, and the additional support in the accompanying declaration, Amazon requests that the Court grant the motion to enlarge time as follows:

Item	Original Date	Proposed Date If Motion Is Granted
Amazon and Google file Motion to Compel	September 20, 2018	September 24, 2018
Opposition Brief	October 4, 2018	October 8, 2018
Reply Brief	October 11, 2018	October 12, 2018
Hearing and Argument	October 17, 2018 at 9:00 a.m.	October 17, 2018 at 9:00 a.m.

As the current September 20 deadline is this week, Amazon also moves the Court for an order that any opposition filed by Eolas and McKool Smith be filed by September 18, 2018 by 12:00 p.m. so that both sides may be heard in advance of the September 20 deadline, and Amazon respectfully asks the Court to rule on the motion before the deadline.

DATED: September 17, 2018

Respectfully submitted,

By /s/ Richard G. Frenkel

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